

**Town of Mansfield  
CONSERVATION COMMISSION  
Meeting of 19 March 2008  
Conference B, Beck Building  
MINUTES**

*Members present:* Robert Dahn, Peter Drzewiecki, Scott Lehmann, John Silander, Joan Stevenson (Alt.), Frank Trainor. *Members absent:* Quentin Kessel, Rachel Rosen. *Others present:* Marshall Gaston (Fuss & O'Neill); Donald Aubrey & Matt Maynard (Towne Engineering), Charles Insalaco (representing Lynne Laguardia); Grant Meitzler (Mansfield Wetlands Agent).

1. The meeting was **called to order** at 7:32p by Acting Chair Robert Dahn (who, as Chair of the meeting, declined to vote on any motion). In the absence of Kessel and Rosen, Stevenson was authorized to vote as a full member of the Commission. Lehmann observed that the IWA referral relating to the Knollwood Apartments sewer (W1392) was not on the agenda, so Mr. Gaston left the meeting. {But see **6.c** below.}

2. The draft **minutes of the 20 February 08 meeting** were approved as written and the agenda reordered to accommodate guests attending to present the Quiet Meadow Re-subdivision Plan.

**3. Quiet Meadow Re-subdivision Plan (LaGuardia, IWA 1393/PZC 1108-2).** Mr. Maynard outlined the proposal for a 9-lot subdivision off Dodd Rd. on about 67 acres. About 40 acres (mostly unbuildable wetland, flood zone, and steep slope) would be deeded to the Town as open space. The proposed lots would be accessed by a new road off Dodd Rd over a flat glacial terrace between Chapin Pond and Chapin Brook; on both sides the land drops steeply. The southern part of this terrace is a large open hay-field, the northern part is wooded (largely oak and white pine). The existing Lane house is on Lot 1. Mr. Aubrey noted that the open space dedication includes Chapin Brook, a popular fishing area; it also provides for a trail between Lots 5&6, permitting public access from the development to trails (including the Nipmuck) in Army Corps of Engineers land along the Fenton River to the north. According to Mr. Aubrey, there is about 50 ft of gravel between the surface of the terrace and groundwater, so nutrient transfer from septic systems should not be a problem; he assured Silander that filtration through the gravel would not be too rapid. Lehmann asked whether conservation easements on the steep slopes of the terrace had been considered. Mr. Insalaco doubted that easements were necessary to protect the slopes, but indicated that the applicant might agree to them.

Based on his visit to the property on 3/13/08 as a participant in the IWA/PZC field trip (report attached), Lehmann observed that the terrace slated for development is quite a special place. In his view, the Town should acquire the whole parcel (save for Lot 1) for open space, though it is now probably too late for that. He also noted

that Chapin Pond is an unusual type of bog which the Town should take pains to preserve, and urged that potential impacts of the development on the pond be investigated and addressed.

After some discussion, the Commission agreed to make the following points in commenting on this application to the PZC/IWA:

- 1) The Commission urges the Town to pursue preserving this unique property in its entirety as open space.
- 2) Concerning the application before it, the Commission:
  - a) Commends the applicant on the open space dedication and the general environmental sensitivity of the plan.
  - b) Recommends that the steep slopes of the terrace be protected with conservation easements.
  - c) Urges that potential impacts on Chapin Pond, a rare type of bog, be specifically investigated and adequately addressed before approval.

A motion (Silander, Drzewiecki) to this effect was approved (For: Lehmann, Drzewiecki, Silander. Abstain pending final wording: Stevenson, Trainor. Not voting: Dahn). Mr. Aubrey, Maynard, & Insalaco left the meeting.

Stevenson wondered about the thoroughness of the applicant's investigation of whether endangered species might be present on the property; according to the 10/4/07 report from Frank Dirrigl at Fuss & O'Neill, field observations were made on a single day in September. Silander agreed that the study was not all that one might wish for; however, the report suggests that the applicant made a good-faith effort to assess endangered species potential and that the burden of proof rests with those who disagree. Nobody on the Commission was willing to take up that burden.

Noting that she felt uncomfortable and constrained in discussing applications in the presence of applicants, Stevenson asked whether this was standard practice. Other Commission members sympathized, having experienced the same discomfort, but observed that meetings of Town Boards and Commissions are public.

**4. Welcome to new member Joan Stevenson.** Stevenson has now been appointed as an Alternate to the Commission. She reported that her letter of appointment mentions a six-month trial period. No one could explain just what this means or why it was included in the letter.

**5. Pleasant Valley Zoning Change.** After some discussion, the comment drafted by Lehmann and circulated by e-mail in advance of the meeting was approved (motion: Silander, Drzewiecki; all in favor save Dahn, not voting). It is attached.

**6. Other IWA referrals.**

**a. W1395** (Green, Knowlton Hill & Wormwood Hill Rds). This is a proposal to subdivide the old McDaniels farm. About 37 acres (including 16.9 acres of wetland) would be protected by conservation easements and 14.5 acres (including some of the open fields near the old farmhouse) by an agricultural easement. Two parcels, one

including the farmhouse, are reserved from subdivision, with 11 lots proposed for the remaining land (about 50 acres).

Silander observed that it was discouraging to see this old farm, a remnant of 19<sup>th</sup> century Mansfield, carved up into house-lots, when it might have been preserved to afford a sense of history and place. In extended discussion, the Commission agreed to make the points below in a comment on this application to be written into the minutes for this meeting and subject to the usual review. (Motion: Drzewiecki, Silander; all in favor save Stevenson, who abstained, and Dahn, not voting.)

- 1) The Commission is disappointed that this old farm is being proposed for subdivision rather than preservation as a reminder of Mansfield's agricultural heritage. It urges the Town to pursue preservation of this land in its entirety.
- 2) If that is not possible, the PZC should work with the applicants to adjust the subdivision plan so that development better preserves a sense of this unique place.
- 3) The complex structure of the landscape suggests that there may be a significant cumulative impact on the wetlands system from the houses and driveways that are proposed. The Commission recommends further study of this issue.
- 4) The plans viewed by the Commission do not show large trees, of which there are many on this property, so it is not clear what provisions (if any) have been made for preserving them. Any approved plan should preserve large trees – as well as stone walls, old foundations, and other historical artifacts – to the extent possible.
- 5) Concerning individual lots, the Commission has the following comments.
  - a) Lot 1: to reduce the potential for adverse wetland impact, move the septic system closer to the road and pull the development envelope back from the wetland.
  - b) Lot 3: to reduce the potential for adverse wetland impact, avoid a steep driveway, and keep new development away from the old 17<sup>th</sup> century farmhouse, move the proposed house site to the upland area along Knowlton Hill Rd.
  - c) Lot 4: to enhance views of the open field from Wormwood Hill Rd., move the proposed house site toward the field's eastern edge and farther from the road.
  - d) Lot 5: a marginal lot with a very shallow buildable area near the road, dropping to wetlands behind.
  - e) Lot 6: the long driveway passes close to wetlands and requires considerable cut and fill in this area; how is this re-formed land to be stabilized to prevent sedimentation of the wetland after construction?
  - f) Lots 7 & 8: to reduce the potential for adverse wetland impact, move the septic system to a location farther from wetlands (there appear to be such locations in both lots).
  - g) Lots 9-11: to allow for a trail along the old right of way, consider an easement permitting this.
  - h) Lot 10: to enhance views from the road, move the proposed house site back from it.

**b. W1396** (Kovarovics, Daleville Rd). This is a modification of a previous application; the applicant has obtained a variance to place the house closer to the road

(and farther from wetlands). The Commission agreed that the applicant has addressed, to the extent possible in this shallow lot, the Commission's concern about proximity to wetlands; still, there may be a significant impact on wetlands. (Motion: Lehmann, Drzewiecki; all in favor save Silander, who abstained, and Dahn, not voting.)

**c. W1392** (Knollwood Apts, S. Eagleville Rd.) Meitzler indicated that this should have been on the agenda, so the Commission agreed to take it up. The proposal is to tear out individual septic systems that are prone to failure and to hook the apartment units up to a recently installed main sewer line connecting to the University's system at South Eagleville Rd. The feeder lines will go under existing roads for the most part. The Commission agreed that the new system would be a big improvement over the existing one, in terms of wetland impact from sewage. (Motion: Lehmann, Drzewiecki; all in favor save Dahn, not voting.)

## **9. Adjourned at 10:02p.**

Scott Lehmann, Secretary  
21 March 08; approved as amended, 16 April 08  
Attachments

Attachment 1

To: Mansfield Planning and Zoning Commission  
From: Conservation Commission  
Re: Proposed zoning changes for Pleasant Valley  
Date: 19 March 2008

1. The Conservation Commission (CC) applauds the agricultural land preservation goals of the proposed rezoning and welcomes provisions designed to promote this objective, as well as others aimed at "minimiz[ing] impervious surfaces and potential stormwater impacts" (X.A.4.b, p.8) and "provid[ing] appropriate pedestrian and public transit improvements" (X.A.4.j, p.8).

2. The CC is, however, concerned that these preservation goals may not be attainable by application of the proposed regulations (or perhaps any others that could survive a court challenge), and it recommends that, in addition, the Town pursue preserving agricultural land in Pleasant Valley by surer methods, namely, purchase or easement.

a. It seems unlikely that the PVRA designation can do more than preserve 5 acres of tilled agricultural land south of Pleasant Valley Rd., which is designated as a "priority agricultural preservation area" (X.8.b, p.12). The land proposed for PVRA regulation comes to about 45 acres, of which 25 acres is wetlands. Since the proposed minimum PVRA lot size is 25 acres, it appears that just one lot will fit in this area (unless lots may straddle both PVRA and PVCA areas). The buildable area of such a lot would consist of about 20 acres, 15 of which are now used for crops. At most 50% of this cropland can be preserved under the proposed regulations, so it is unlikely that any of agricultural land along Mansfield City Rd. would be preserved.

b. The 15 acres of cropland currently tilled in the PVCA area may also be at risk, despite its designation as “priority agricultural preservation area” (X.9.f, p.13) If a 25 acre lot included this cropland along with 10 acres of wetlands, at most half the 15 acres could be preserved under the proposed regulations. More generally, it may be difficult to coordinate applications so that the agricultural land is not fragmented.

3. The uses explicitly excluded from the PVCA are not numerous, being limited to facilities that may pose a bio-safety hazard (VII.U.3.a, p.5), “heavy industry” (if “PVCA” instead of “RD/LI” is meant in VII.U.3.b, p.5), and “auto salvage operations” (VII.U.g, p.6). Other uses may be vetoed if they are not “designed, constructed, and utilized in a manner compatible with Plan of Conservation and Development recommendations and neighboring land uses.” (VII.U.1, p.4) or do not meet applicable standards (VII.U.3.f,h,i, p.6).

The Conservation Commission is concerned that existing State and Town regulations may be insufficient to protect stratified-drift aquifers from pollution. The regulations proposed for the PVCA (and PVRA) do require assurance of “a low risk of aquifer contamination” before approving “onsite sanitary waste disposal and/or water supply systems” (VII.K.2.b, p.3, and VII.U.2.b, p.5). But there is no similar language limiting permitted uses of the PVCA zone to those that pose “a low risk of aquifer contamination”. For example, the high-tech industries invited to apply by VII.U.3.a (p.5) may use chemicals that certainly should not get into ground water.

4. The first “4.” under VII.U (p.5) should read “3.”; in b. should “RD/LI Zone” read “PVCA Zone”? “8.” on p.13 should read “9.”.

5. In VIII.B.3(p.7), there are again references to RD/LI Zones instead of the PVCA Zone. As it stands, 3.b does *not* restrict lot coverage in the PVCA zone. Is this intended? If so, the size of parking lots is limited only by setback requirements, wetlands, and (possibly) the provision that allows the PZC to require preservation of up to 50% of prime agricultural land.

6. The language in X.A.8.b (p.12) and X.A.9.f (p.13) might be revised to distinguish more clearly (a) land designated as a “priority agricultural preservation area” (i.e., land the Town *hopes* to preserve for agriculture) from (b) land designated as agricultural (i.e., land *actually* preserved for agriculture through application of these regulations).

## Attachment 2

To: CC members  
From: Scott Lehmann  
Re: Report on 3/13/08 IWA/PZC field trip  
Date: 3/18/08 (small additions/corrections, 3/21/08)

W1396 (Kovarovics, Daleville Rd). This modifies a proposal that the CC considered at its 11/28/07 meeting, commenting that “the house should be moved closer to the road

via variance or other appropriate means." The applicant has obtained a variance from ZBA, reducing the road setback from 60 to 35 feet, increasing the distance to wetlands to about 39 ft from the SE corner of the house & about 42 ft from the N end of the septic field. A little more distance to wetlands might be gained by interchanging well and septic locations, though the slope to wetlands from the proposed well site is a bit greater than it is from the proposed septic site. Neither change affects our more general observations that "the site is a marginal location" and "there may be a significant impact regardless of the option chosen".

The next two properties provide a lesson in the limitations of zoning as a conservation tool – more proof, if any were needed, that zoning by itself cannot preserve the rural character of Mansfield.

W1395 (Green, Knowlton Hill & Wormwood Hill Rds). This is the McDaniels farm, now owned by the Green family. The piece to be subdivided consists of about 100 acres, 37 of which (including about 16.9 acres of wetlands) are proposed for conservation easements and 14.5 acres (including the open hayfields across from the old house, but not all those on the north side of Wormwood Hill Rd to the east) for an agricultural easement. (Two parcels have been reserved from the proposed subdivision. One includes the old house. The other buildings are collapsed; presumably the debris is going to be hauled away.) 11 lots are proposed for the remainder (about 50 acres).

- a. Lot 1. Land slopes from house site to large wetland to the east. Reserve septic and development envelope are now about 60 ft. from wetland; both could be moved closer to the house.
- b. Lot 3. Extensive wetlands on this lot leave little room for development. The proposed house site is below the old farmhouse and close to wetlands. Unfortunately, extensive multiflora rose brush prevented a close look at this site.
- c. The long driveway of Lot 6 would pass close to wetlands.
- d. Lot 5. House to be located on a fairly narrow strip of high ground along the road, close to extensive wetlands beyond; however, land at the development site slopes toward the road and away from wetlands.

W1393/PZC 1108-2 (Laguardia, Dodd Rd). 67 acres in all, with 40 acres (mostly undevelopable slope, wetland, and flood zone) to be deeded to the Town as open space. 9 lots, one including the existing house on Dodd Rd, the other eight on a new road over a long flat glacial terrace, which drops steeply (about 50 feet) to Chapin Pond on the west and to forested lowlands of Chapin Brook on the east. The southern part of this terrace is a 10-acre field currently hayed by Tom Wells; the eastern part is forested (mostly oak and large white pine). A trail easement is proposed between Lots 5 & 6 at the eastern end, giving access to trails (including the Nipmuck) in the ACE land to the north.

The open terrace is striking. Though I lived in Mansfield Center for 5 years, I never knew

such a place existed there – or anywhere in Mansfield. Enclosed as it is by trees on three sides, the open field is a kind of island in the sky, recalling for me the opening

of Edna St. Vincent Millay's "Renaissance" (though the geography is not quite right). It is a place that should be preserved for future generations to marvel at. Nonetheless, it is probably doomed, since the Town would have to come up with a pile of money to purchase it for open space. The PZC could reasonably ask for a conservation easement on the steep slopes. But that is far, far short of what ought to be done here, in my view.

W1392 (Knollwood Apts, S. Eagleville Rd). The proposal is to connect apartment units to a recently installed main sewer line out to the University's system at S. Eagleville Rd. Feeder lines will be placed under roads where possible; some routing is off-road (and closer to wetlands) to avoid wells. The sewer system should improve considerably upon the individual septic systems that now exist (& fail) in an area where development should not have been permitted in the first place.